

Notice of Allowability

Application No.

10/829,220

Examiner

Wendy C Haas

Applicant(s)

DANZIGER, GABRIEL

Art Unit

1661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed January 3, 2005.
2. ☒ The allowed claim(s) is/are the claim.
3. ☒ The drawings filed on 22 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/30/05
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Richard Peet on March 30, 2005.

The application has been amended as follows:

- A. Page 1, lines 4-10 have been deleted and are replaced by the following recitation:

-- BOTANICAL DESIGNATION

Petunia sensu Wijsman

VARIETY DENOMINATION

'Dancasbipas' --.

- B. Page 1, line 16, "*Wijsman*" has been changed to -- Wijsman --.
- C. Page 2, line 5, "strips" has been changed to -- stripes --.
- D. Page 2, line 12, the word "significantly" has been deleted.
- E. Page 3, in Table 2, the entry for " 'Dancasbipas'" "Leaf size" has been changed to:
- Medium, length: 7.5 cm
 - width: 2.5 cm to 3 cm --.
- F. Page 3, in Table 2, the entry for " 'Dancasbipas'" "Growth habit" has been changed to:
- Vigorous, well branched,
 - semi-bush, height about 25 cm --.

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G. Page 3, in Table 2, the entry for “Cascadias Bicolor Lavender” “Growth habit” has been changed to:

– Medium, cascading, height -
15 cm to 20 cm --.

H. Page 4, line 12, the word “Freely” has been changed to: -- Normal branching habit, typical to *Petunia* species. --.

I. Page 4, line 17, “2-4 days” has been changed to – 2 to 4 days --.

J. Page 4, line 20, “2-3 weeks” has been changed to – 2 to 3 weeks --.

K. Page 4, line 23, “15-20 inches” has been changed to – 15 inches to 20 inches --.

L. Page 4, line 24, “5-6 mm” has been changed to – 5 mm to 6mm --.

M. Page 5, line 1 has been deleted and has been replaced by the following recitation:

-- Internode length: 1 inch to 1.5 inches

Stem and internode coloration: RHS 144A --.

N. Page 5, line 11, “1-1.25 inches” has been changed to – 1 inch to 1.25 inches --.

O. Page 6, line 4, “2-4 days” has been changed to – 2 to 4 days --.

P. Page 6, line 5, “2-2.5 cm. Diameter: 4-5 cm.” has been changed to:

– 2 cm to 2.5 cm

Diameter: 4 cm to 5 cm --.

Q. Page 6, line 7, “6-8” has been changed to – 6 to 8 --.

R. Page 6, line 8, “0.7-1.0 cm.” has been changed to – 0.7 cm to 1.0 cm --.

S. Page 6, line 12, “4-5” has been changed to -- 4 to 5 --.

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- T. Page 7, line 9, the recitation – Apex of bud: -- has been inserted before the word “Red-Purple”; the recitation – Base of bud: -- has been inserted before the word “Green”.
- U. Page 7, line 12, “3.5-4 cm” has been changed to – 3.5 cm to 4 cm--.
- V. Page 8, line 2, “40-50” has been changed to – 40 to 50--.

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy C Haas whose telephone number is (571) 272-0976. The examiner can normally be reached on Monday through Friday 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

W. C. Haas

**KENT BELL
PRIMARY EXAMINER**

Kent S. Bell